

## ARTICLE 2

### DEFINITIONS

#### 2.1 USE OF WORDS AND INTERPRETATION

2.1.1 For the purposes of these Regulations, the following shall apply to the use of all words:

- a) When appropriate to the context, words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense, and vice versa.
- b) Words in the masculine gender shall include the feminine.
- c) The word “shall” is mandatory and not discretionary.
- d) The word “may” is permissive.
- e) Use of the word “and” is inclusive and requires that all of the component phrases so connected must be present or fulfilled for sufficiency.
- f) Use of the word “or” is not exclusive (as in “either. . . . or”), and requires that at least one of the component phrases so connected must be present or fulfilled for sufficiency. The word “or” may allow more than one component phrase to be present or fulfilled, as is implied by the common terms “and/or”.

2.1.2 The following shall control the interpretation of words and phrases as used in these Regulations:

- a) Words and phrases defined in this Article shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word indicates otherwise.
- b) Words or phrases not defined herein shall be interpreted as defined in the Zoning Ordinance of the City of Buford, or as defined in the City’s Soil Erosion and Sediment Control Ordinance, Tree Protection Ordinance, or Mobile Home Park Regulations, as applicable to the use of the word within the context of these Regulations.

- c) Words not defined herein or in the Zoning Ordinance or any other applicable code, regulation, or ordinance of the City of Buford shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, section, and article in which they occur.

## 2.2 DEFINITIONS OF WORDS AND PHRASES

Certain words or phrases in these Regulations are defined for their use herein as follows:

Alley or Service Drive – A minor, permanent, public service way which is used primarily for vehicular service access to the back or the side for properties otherwise abutting on a street.

Applicant – A person, either the owner or the bona fide representative of the owner of land or structures governed by these regulations, who seeks authority to use, develop, construct upon or otherwise enjoy the use of property through any of the procedures established under these Regulations.

Arterial – A street that is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used as a traffic artery for interconnection among large areas.

“As-Built” Survey – See Record Drawing.

“Base Flood” – The flood which has a one percent probability of occurring in any calendar year (i.e., the 100-year frequency flood).

Base Flood Elevation – The highest water surface elevation anticipated at any given point during the base flood.

Block – A piece or parcel of land entirely surrounded by public streets, other than alleys.

Board of Commissioners – The City Commission of the City of Buford, Georgia.

Buildable Lot of Record – A lot or parcel of land which existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk to Superior Court prior to June 2, 1970, or which is shown in its entirety and present boundaries on a Final Plat or

Exemption Plat duly approved under these or any previously applicable regulations providing for the subdivision of land in the City of Buford and recorded with the Clerk to Superior Court of Gwinnett County.

Building Setback Line – A line across a lot parallel to a street right-of-way or other property line establishing the minimum open space to be provided between any principal building and the street or other property line. All building setback lines shall be at least as restrictive as the corresponding minimum yard setbacks required in the Zoning Ordinance. On corner lots, the minimum required front yard setback should be provided along all abutting streets.

Certificate of Development Conformance – Final approval issued by the Department for completion of land development activities for a subdivision or project for which a Development Permit was issued.

Certificate of Occupancy – Final approval by the Department for the use or occupancy of a structure for which a Building Permit was issued.

Clearing – The removal of trees or other vegetation, but not including grubbing activities.

Collector – A street which carries traffic from activity centers or neighborhoods on local streets to arterial streets.

Comprehensive Plan – City of Buford Land Use Plan and/or Thoroughfare Plan as adopted or amended.

Concept Plan – A drawing which shows the overall concept (e.g. a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project, and which may be drawn to approximate dimension in a freehand style.

Condominium – A form of property ownership in which the buildings or portions of the buildings, whether residential or non-residential in use, are owned by individuals separate from the lands which surround the buildings, said lands held in common ownership by the owners of the several buildings.

Cul-De-Sac – A street having one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For the purpose of designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

Department – The Department of Planning and Development of the City of Buford.

Developer – Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development activities as herein defined, whether the development involves the subdivision of the land for sale to individual users, the construction of buildings or other improvements on a single land ownership, or both.

Development –

1. (Verb) All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as but not limited to streets, driveways or parking areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property.
2. (Noun) Where appropriate to the context, the term “development” also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

Development Permit – An official authorization issued by the Department permitting clearing, grubbing, grading, or construction of storm drainage facilities, access drives, streets, parking or other improvements exclusive of buildings.

Development Plans – Those detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural building plans) and including the Preliminary Plat or Site Plan (as applicable), Grading Plan, Tree Protection Plan, Erosion and Sediment Control Plan, Buffer and Landscape Plan, and construction drawings for streets, storm water drainage facilities, sanitary sewers, water supply facilities, and other site improvements.

Diameter Breast Height (dbh) – The diameter of a tree measured at a point 4½ feet above the ground.

Director – The Director of the Department of Planning and Development or his designee.

Drainage Improvements – Those facilities and structures intended to control and direct the passages of storm waters and other surface water flows from and across a property; including, but not limited to, swales and ditches, cross drains and other piping systems, catch basins, detention ponds, and velocity dissipation devices.

Dripline – a line on the ground established by a vertical plan extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Driveway – A vehicular access way in private ownership, other than a private street, which provides access primarily to only one property, to no more than two single-family detached residences.

Easement – Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

Engineering Department – Consulting Engineer or designee.

Erosion Control Regulations – The City of Buford, Georgia, Erosion and Sedimentation Control Ordinance.

Exemption Plat – A subdivision plat drawn to final plat standards, as contained herein, prepared in accordance with one of the exemptions provided under Article 3 of these Regulations.

Fee Simple – A form or property ownership in which the buildings and surrounding lands are owned by the same person.

Federal Emergency Management Agency (FEMA) – The Federal Agency which administers the National Flood Insurance Program. This agency prepares, revises and distributes the maps and studies referenced in these Regulations.

Final Plat – a finished drawing of a subdivision showing completely and accurately all legal and boundary information and certification required by these Regulations.

Flood or Flooding – A general and temporary condition of partial or complete inundation or normally dry land area.

Fire Services Division – A division of the Gwinnett County Department of Public Safety charged with the responsibility of enforcing the County’s Fire Prevention and Life Safety Codes, and Gwinnett Handicap Ordinance.

Flood Boundary and Floodway Map – The official map issued by the Federal Emergency Management Agency, where the boundaries of the floodways are shown and the areas of Special Flood Hazard have been defined as Zone “A”.

Flood Insurance Rate Map (FIRM) – An official map on which the Federal Emergency management Agency has delineated both the areas of Special Flood Hazard and the applicable risk premium zones.

Flood Insurance Study – The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

Floodway – The channel of a river or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood Hazard Area – See Floodplain.

Floodplain – Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; i.e., the 100-year frequency or base flood. See Flood Management Ordinance for ancillary terms.

Flood Related Definitions – See the Floodplain Management Ordinance, for specific definitions of terms used in relation to flooding, alteration of floodplains, construction of structures in or adjacent to floodplains, etc.

Freeboard – The distance between the base flood elevation and the top of a storm water detention structure.

Georgia DOT – The Department of Transportation of the State of Georgia.

Grading – The movement, removal or addition of earth on a site by the use of mechanical equipment.

Grading Permit – An official authorization issued by the Department permitting grading of a site, and may include installation of attendant storm water drainage facilities.

Grubbing – The removal of stumps or roots from a property.

Health Department – The Environmental Health Services Division of the Georgia Department of Human Resources for Gwinnett County.

House Location Plan (HLP) – A drawing showing lot information and all improvements, as outlined in Article 6.

Land Disturbance Permit – Any permit other than a Building Permit issued by the City of Buford that authorizes clearing or grading activities on a site or portion of a site. Said permit may be a Clearing, Clearing and Grubbing, Grading, or Development Permit as defined and authorized herein.

Lot – A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.

Lot, Corner – A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage – A lot other than a corner lot abutting upon two or more streets.

Major Intersection – The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as designated by the Comprehensive Plan.

Major Thoroughfare – Any public street, existing or proposed, which is shown in the Comprehensive Plan as an arterial or major collector.

Mean Sea Level – The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these Regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Minor Collector – A through street having the primary function of connecting subdivisions or other areas to major collector streets or other major thoroughfares, or functioning as a central route within a subdivision channeling traffic from the local streets to an abutting major

thoroughfare or another minor collector street. For the purpose of these Regulations, a central but non-through route with a subdivision or other project will be considered as a minor collector, if the average daily traffic generated by the development on the route will exceed 2000 trips.

Owner – A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

Pedestrian Way – A right-of-way within a block dedicated to public use, intended primarily for pedestrians and from which motor propelled vehicles are excluded.

Person – An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other group or combination acting singly or collectively for a common purpose, and the duly authorized agents thereof.

Planning Commission – The City of Buford Planning Commission.

Plat – A map indicating the subdivision, re-subdivision, or recombination of land.

Preliminary Plat – A drawing which shows the perimeter boundary, topography, lotting arrangements, street layout, and other features of a proposed subdivision, as specified in these Regulations.

Project – A principal building or structure, or group or buildings or structures, planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access, and circulation facilities, whether built in whole or in phases. Examples include: a principal building on a lot, a residential subdivision, a multi-family development, a shopping center or an office park.

Public Utilities Department – The City of Buford Department of Public Utilities, which includes the water, gas, sewer, electric and street departments.

Record Drawing – A survey or other drawing based on a field survey which shows existing features or components and horizontal or vertical information (grades or location of improvements).

Responsible Party – In the context of enforcement procedures, a person (as defined above) who is alleged to have committed, caused, continued or created a violation of the terms, requirements, regulations, or provisions, or provisions of these Regulations whether as a direct act, through lack of action or neglect, or at the direction of or on behalf of others. A responsible party may be the owner of a premises where a violation has occurred; an occupant whether through ownership, lease or other tenancy; a contractor, builder or developer; an agent of or person otherwise acting on behalf of the aforementioned parties, or other person acting in violation of these regulations.

“Road” – See “Street, Public”.

Roadway – The paved portion of a street from back of curb to back of curb (or edge to edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts which in a hydrologic sense can be considered to function as a bridge.

Sheet Flow – Diffused water running overland to a defined watercourse.

Site Work – Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading, and installation of soil sedimentation and erosion control facilities.

Sketch Plan – See Concept Plan.

Street, Private – An access way similar to and having the same function as a public street, providing access to more than one property, but held in private ownership (as distinct from a “driveway”).

Street, Public – A right-of-way dedicated to and accepted by the City of Buford for vehicular traffic or over which the City of Buford may hold a prescriptive easement for public access, and including designated and numbered U. S. and State highways. For the purpose of these Regulations, the term “public street” shall be limited to those which afford or could afford a direct means of vehicular access to abutting property, and exclude limited access roadways which abut a property but from which direct access may not be allowed under any circumstances.

Street, Local Non-Residential – A surface street intended primarily to provide local access to adjacent existing or planned commercial or industrial development and not for through traffic.

Street, Local Residential – A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

Street, Marginal Access – A local street which is parallel to and adjacent to a major thoroughfare and which provides access to adjacent properties and protection from through traffic.

Structure – Anything constructed or erected on the ground or attached to something on the ground.

Subdivider – Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined, including an agent of the subdivider.

Subdivision –

- 1, (Verb) Any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into two (2) or more lots, tracts or parcels. The term, “subdivision” shall mean the act or process of dividing property.
2. (Noun) Where appropriate to the context, the term “subdivision” also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Tie Point – The point of reference for a boundary survey. Said point of reference shall be an established, monumental position, which can be identified or relocated from maps, plats, or other documents on public record.

Traffic Engineer – The designated head of the Traffic and Transportation Bureau of the Gwinnett County Department of Engineering, or his designee.

Tree – Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three (3) inches at any point and a height of over ten (10) feet.

Tree Diameter – The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at any point below dbh for new trees or multi-trunked species, but in no case less than six (6) inches from the ground.

Tree Protection Area – Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the buffer requirements of the Zoning Ordinance or the requirements of the Tree Protection Ordinance.

Tree Protection Plan – A plan that identifies tree protection areas, existing trees to be retained and proposed trees to be planted on a property to meet minimum requirements of the Tree Protection Ordinance, as well as methods of tree preservation to be undertaken on the site and other pertinent information.

Water Pollution Control Division – A division of the Public Utilities Department charged with the responsibility for the design, installation, inspection, approval, and maintenance of the public sanitary sewer system and wastewater treatment in the City of Buford.

Unincorporated Gwinnett County – City of Buford, Georgia.

Water System Division – City of Buford Water Department and/or Gwinnett Water System Division as applicable.

Watercourse – A channel with a defined bed and banks, including lakes, ponds, and marshes.

Zoning Ordinance – The 1985 Zoning Ordinance of the City of Buford, Georgia, as amended.